

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPITAL ONE, NATIONAL ASSOCIATION,

Plaintiff,

-against-

201 W 134 ST LLC, GERALD MIGDOL a/k/a JERRY MIGDOL, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, and "JOHN AND/OR JANE DOE #1" to "JOHN AND/OR JANE DOE #5" inclusive, the last five named persons being unknown to plaintiff, the persons and parties intended being the tenants, occupants, persons, entities, or corporations, if any, having or claiming upon the premises at 201 West 134th Street a/k/a 2280 Adam Clayton Powell Jr. Boulevard, New York New York, a four-story, single dwelling building, as more fully described in the complaint,

Defendants.

**AFFIRMATION OF
MAILING LETTER
IN ACCORDANCE WITH
RULE 3(B)(i)**

12 Civ. 5025 (JMF)
ECF Case

I, Aaron Migdol, Esq., attorney for Defendants 201 W 134 ST LLC and Gerald Migdol in the above action, affirm under penalty of perjury that I have served a letter pursuant Rule 3(B)(i) of the Individual Rules and Practices in Civil Cases of United States District Judge Jesse M. Furman upon Plaintiff's attorney, Thomas P. Battistoni, Esq. of Schiff Hardin LLC, whose address is 666 Fifth Avenue, 17th Floor, New York, NY 10103 by Federal Express overnight delivery on July 25, 2012 to arrive the next day.

Dated: New York, NY
July 25, 2012

Respectfully submitted,

s/
Aaron Migdol, Esq.
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*Attorney for Defendants 201 W 134 ST LLC and
Gerald Migdol*